UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA,
Plaintiff,
vs.
Rodolfo BEAS-Ramirez
Defendant.

Magistrate's Case Number: '07 MJ 2943

COMPLAINT FOR VIOLATION OF:

Title 21, United States Code Section(s) 952 and 960 – Importation of a Controlled Substance (Felony):

The undersigned complainant being duly sworn states:

That on or about December 19, 2007, within the Southern District of California, defendant Rodolfo BEAS-Ramirez did knowingly and intentionally import approximately **40.80 kilograms (89.76 pounds.) of marijuana,** a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Signature of Complainant
Special Agent,
U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence this 20th day of December 2007.

UNITED STATES MAGISTRATE JUDGE

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STATEMENT OF FACTS

On December 19, 2007, at approximately 8:00 p.m., Rodolfo BEAS-Ramirez entered the United States from the Republic of Mexico via the San Ysidro Port of Entry (POE), San Ysidro, California. BEAS-Ramirez was the driver and sole occupant of a white 2000 Ford Ranger bearing California license plate number 8K59189.

U.S. Customs and Border Protection (CBP) Officer Sauer was conducting vehicle pre-primary inspections at the San Ysidro POE, when he came into contact with BEAS-ramirez, the driver of the aforementioned vehicle. CBP Officer Sauer noticed that the spare tire mounted underneath the white 2000 Ford Ranger bearing California license plate number 8K59189 appeared to be cleaner in comparison to the rest of the vehicle undercarriage. CBP Officer Sauer tapped the spare tire of the vehicle and noticed that the tire appeared unusually harder than normal. CBP Officer Sauer utilized a density-measuring device to determine the density of the vehicle's spare tire. CBP Officer Sauer noticed that the density-measuring device indicated high density reading on the spare tire of the vehicle. CBP Officer Sauer received a negative customs declaration from BEAS-Ramirez.

CBP Officer SAUER requested that a Narcotic Detector Dog (NDD) screen the vehicle. CBP Canine Enforcement Officer Sloat utilized his assigned NDD Twister (CF-29) to screen the vehicle. NDD Twister (CF-29) alerted and responded to a narcotic odor emanating from the vehicle.

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The vehicle was moved to the secondary inspection lot for a more intensive inspection. While driving the vehicle to the secondary inspection area, CBP Officer Concepcion noticed that the tires made a thumping sound as the vehicle was in motion.

In the secondary inspection area, CBP Officer Balestreri conducted an intensive inspection of the vehicle. This inspection of the vehicle revealed twenty-five (25) packages containing a green leafy substance concealed in the tires of the vehicle. A presumptive test of the contents of one of the packages revealed a positive reaction to the presence of marijuana. The 25 packages, including matter and packaging, weighed approximately 40.80 kilograms (89.76 pounds).

Post Miranda, BEAS-Ramirez admitted that he was to be paid $1,100 for crossing the vehicle. BEAS-Ramirez stated he was told that there would be marijuana concealed in the vehicle.

Timothy D. Dwyer
SA ICE